



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Koji AMANO

Group Art Unit: 2174

Application No.: 09/985,999

Examiner: T. VU

Filed: November 7, 2001

Docket No.: 111056

For: DISPLAY DEVICE, DISPLAY METHOD AND IMAGE FORMING APPARATUS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal is attached. Applicants respectfully request review of the Final Rejection mailed April 17, 2007 in light of the following remarks. Claims 1-43 and 45-52 are pending. All of the pending claims are rejected. This review is requested for the following reasons.

The Office Action rejects claims 1-5 and 18 under 35 U.S.C. §112, second paragraph. The Office Action asserts that the feature of "at least one of the image forming apparatus" refers to more than one image forming apparatus. The Office Action goes on to assert that the relevant preamble states only one image forming apparatus. These assertions are incorrect because the phrase "at least one of" refers to the image forming apparatus and an additional device mounted to the image forming apparatus. Further, the preamble recites an image forming apparatus. The phrase "an" has been interpreted in binding judicial precedent to mean "one or more." For both of these reasons, the rejection of these claims is incorrect. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1, 4, 6, 8, 10-15, 17-19, 27, 35, 39, 43, 48 and 50-52 under 35 U.S.C. §103(a) over U.S. Patent No. 6,741,262 to Munson et al. (hereinafter "Munson") in view of U.S. Patents Nos. 6,121,968 to Arcuri et al. (hereinafter "Arcuri") and 6,570,667 to Hattori et al. (hereinafter "Hattori"); and rejects the remaining claims under 35 U.S.C. §103(a) over Munson, Arcuri and Hattori, in varying combinations with U.S. Patents Nos. 6,469,719 to Kino et al. (hereinafter "Kino"); 5,754,179 to Hocker et al. (hereinafter "Hocker"); 5,625,783 to Ezekiel et al. (hereinafter "Ezekiel") and 6,443,801 to Moon et al. (hereinafter "Moon"). These rejections are respectfully traversed.

Independent claim 1 recites, and independent claims 2-5, 14 and 18 varyingly similarly recite, among other features, a display device in an image forming apparatus (or a display method for displaying user-selectable image forming function options on a display unit in an image forming apparatus) comprising a display unit that displays a plurality of user-selectable image forming function options which can be performed by at least one of the image forming apparatus and an additional device mounted to the image forming apparatus; and a display arrangement control device that judges functions provided to the image forming apparatus or the additional device and determines an arrangement of the plurality of user-selectable image forming function options based on the judgment, and displays the plurality of user-selectable image forming function options on the display unit according to the determined arrangement, wherein a plurality of the available user-selectable image forming function options are displayed in a first case, and less than all of the plurality of the user-selectable image forming function options that are displayed in the first case are displayed in a second case, the display arrangement control device determining the arrangement.

The Office Action concedes that the combination of Munson and Arcuri fails to reasonably suggest a display arrangement control device that judges functions added to the image forming apparatus and determines an arrangement of the plurality of the user-selected image forming function based on the judgment, and arranges the plurality of user selectable

image forming functions options in the determined arrangement. The Office Action relies on Hattori to remedy this shortfall. However, the Office Action's reliance on Hattori is misplaced.

Hattori is directed to adding and recognizing facsimile communication functions in image processing devices (col. 2, lines 7-10 of Hattori). Hattori contemplates receiving data in an image-forming device from external devices. Based on whether a command received from the external device is either a command for the original function or a facsimile communication function, the image-processing device may determine and switch to the appropriate function. The portions of Hattori upon which the Office Action relies recite that the image processing device may comprise means for judging whether or not the facsimile communication unit is mounted to the interface, including means for setting the image processing means to a facsimile communication enabling state, and a means for setting, in a storage area, a memory region for being used for facsimile communication (col. 3, lines 17-23 and col. 4, lines 21-40 of Hattori).

The Office Action asserts that col. 20, lines 34-45, of Hattori discloses arrangement of a settings screen based on mounting of an additional device. This section of Hattori describes displaying a screen (not shown) enabling a user to set or change fax settings. Such a display cannot reasonably be considered to have suggested the relevant features relied upon by the Office Action at least because there is no indication in Hattori how such a display is arranged, or that the arrangement is determined based on a corresponding judgment. In other words, while Hattori may suggest presenting a display based on additional functions, the arrangement of such a display is not based on the addition of functions.

Additionally, the reliance on, and combination of, Munson and Arcuri are flawed. For example, Arcuri deals with adaptive menus that provide a short menu state and a long menu state; Munson deals with an expert color management setting interface; and Hattori deals with detecting fax modem cards mounted in the PCMCIA slot of a printing device. The Office

Action fails to establish a proper foundation for combining these references in the manner suggested based on at least the disparate objectives and subject matter of the references.

Further, the purported modifications of Munson asserted by the Office Action either (1) would not arrive at the present subject matter, or (2) would render Munson unsuitable for its intended purpose. Munson discloses a specific dynamically updated workflow mapping display through which a user may modify color management settings of a printer. Based on selections within the interface depicted in Fig. 4, specific mapping options are adjusted for a specific printer, as depicted in Fig. 5. Assuming that the color management selection options depicted in Fig. 4 could be considered to correspond to a plurality of user-selectable image forming function options, combining an adaptive dropdown menu, such as depicted in Figs. 2A and 2B of Arcuri, would not result in a plurality of available user-selectable image forming function options displayed in a first case, and less than all of the plurality of the available user-selectable image forming function options that are displayed in the first case are displayed in the second case. In other words, adapting individual dropdown menus, such as those depicted in Fig. 4 of Munson, would not provide two separate states of the combined options displayed in that figure. For similar reasons, simply adding the fax recognition and adjustment display of Hattori to Munson, would not change the specific display of color management options for a particular printer.

The subject matter of the pending claims is directed to a device and method for displaying on a display panel of the device itself menu selections associated with the device. As such, the disclosure of Munson is as inapplicable to the subject matter of the pending claims as is the disclosure of Arcuri, and any alleged combination of Munson and Arcuri cannot reasonably be considered to have suggested the subject matter of any of the pending claims, even in combination with the other varyingly applied references.

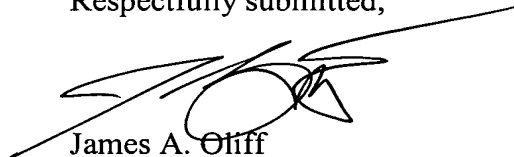
For at least the above reasons, the applied references do not teach, nor can they reasonably be considered to have suggested, the combinations of positively recited features of

claims 1-5, 14 and 18. Additionally, claims 6-13, 15-17, 19-43 and 45-52 are also neither taught, nor would they have been suggested, by the applied prior art references at least for the respective dependence of these claims, directly or indirectly, on allowable independent claims 1-5, 14 and 18, as well as for the separately patentable subject matter that each of these claims recites. Accordingly, reconsideration and withdrawal of the rejection of claims 1-43 and 45-52 over any combination of the applied references are respectfully requested.

In view of the foregoing, Applicants respectfully request that the Review Panel review the substance of the April 17 Final Rejection in light of the above remarks. Applicants believe that upon such review, the Review Panel will determine that a *prima facie* case for obviousness of the subject matter of the pending claims over Munson, Arcuri and Hattori has not been established. In this regard, favorable reconsideration and prompt allowance of claims 1-43 and 45-52 are earnestly solicited.

Should the Review Panel believe that anything further would be desirable in order to place this application in even better condition for allowance, the Review Panel is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Notice of Appeal

JAO:JEG/clf
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